



# Oregon

Kate Brown, Governor

## Psychiatric Security Review Board

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March 7, 2019

Senator Floyd Prozanski  
900 Court Street NE, S-413  
Salem, Oregon 97301

Dear Senator Prozanski,

Earlier this year, I shared some of the challenges our agency faces and our interest in working toward solutions. As a small agency, impacted by several larger systems across the State, one idea we discussed was to form a collaborative workgroup to examine these challenges in more depth. Because there are so many systems at play, we believe that a legislator/committee-led or supported workgroup would be the most successful approach to achieving this goal, and we hope that you might assist us in this endeavor. Our ultimate goal is to develop comprehensive, system fixes and avoid piecemeal legislation that might have unintentional, negative consequences and/or a burdensome fiscal impact.

Over the past several months, I have been listening to various stakeholder perspectives not only on the challenges faced in our forensics system, but also potential solutions. These conversations have enabled me to outline 3 areas that could be targeted by a future workgroup. In addition to this general overview, I have included a list of legislative concepts for further consideration and discussion (attached).

### **Pre-jurisdiction/Front Door**

Some individuals found Guilty Except for Insanity are later determined to solely have a non-qualifying mental disorder and, by law, must be discharged from PSRB. Solutions would focus on further reducing the risk of inappropriate cases that are adjudicated GEI that lead to these types of early discharges. House Bill 3100 (2011) went a long way to reducing this risk with the creation of the Certified Forensic Evaluator as well as other requirements of the criminal courts; however, there are opportunities to further examine the "front door" to the PSRB.

### **Discharge/Back Door**

One category of discharges is those that occur due to a client no longer meeting jurisdictional criteria. In the worst case scenario, this would be a discharge that occurs because the individual no longer has a qualifying condition, but is still deemed to be a substantial danger to others due to a non-qualifying condition (e.g. substance use, personality disorder). Solutions would focus on ways for our agency to maintain monitoring and supervision, transfer jurisdiction, or otherwise increase public safety.

A second category of discharges is those that occur because a client has completed their sentence. In some cases, individuals who are at the end of their sentence continue to pose a substantial danger to others because of their qualifying condition. The worst case scenario would be a person who was never able to live successfully on conditional release during their jurisdiction (or who could only live in a highly monitored placement), but who would not meet criteria for a civil commitment. Solutions would focus on identifying ways to extend jurisdiction and/or reduce the threshold for a civil commitment based on the history of dangerousness (e.g. GEI instant offense).

### **Post-jurisdiction**

The Board has limited resources and also lacks the access to databases to meaningfully track clients post-jurisdiction. However, we hypothesize there are opportunities for program improvement through the study of those who recidivate following Board jurisdictions. Solutions would focus on developing ways to track and better understand what contributes to positive and negative outcomes.

Thank you for taking the time to review this correspondence. We recognize we are in the middle of a busy and long legislative session and that creating this type of workgroup would require time and resources. We are open and appreciative of any further discussion and ideas you have about the possibilities of this venture.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Bort", with a long horizontal flourish extending to the right.

Alison Bort  
PSRB Executive Director

Enclosure